

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

LT. GOV. PHIL BRYANT et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 2:10-cv-76-KS-MTP
ERIC H. HOLDER, JR., in his official capacity)	
as Attorney General of the United States, et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that I was unable to file defendants' Motion to Dismiss and supporting memorandum in a timely manner due to technical difficulties. The deadline for filing defendants' Motion to Dismiss was July 30, 2010. The reason that I was unable to file the Motion to Dismiss in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

1. I first attempted to log onto the Court's ECF website at approximately 7:30 p.m. on July 30, 2010. After several attempts, I realized that I could access other websites but not the ECF website. Ultimately, when I accessed the Court's website home page, I saw a notification that the Court's ECF system was out of service from 6 p.m. on Friday, July 30, 2010, until 8 a.m. on Monday, August 2, 2010, in order to upgrade the servers. I was not aware of this service outage until that time, which was after it had begun at 6 p.m.

2. I then attempted to contact local counsel in the United States Attorney's Office for assistance, with the idea that someone there could perhaps conventionally file the motion through hand delivery to the Court. I both called and e-mailed my local contact but due to the lateness of the

hour was not able to reach him.

3. At approximately 9:55 p.m. on July 30, 2010, I sent an e-mail to the Court and to plaintiffs' counsel in order to inform them that I was unable to access the Court's ECF system because it was out of service and would not be able to file defendants' Motion to Dismiss before the end of the day. I indicated that I would plan to file the Motion as soon as the ECF system returned to service on Monday morning.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 1st day of August, 2010.

Respectfully submitted,

/s/ Kathryn L. Wyer

KATHRYN L. WYER

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Ave., NW

Washington, D.C. 20001

Tel. (202) 616-8475/ Fax: (202) 616-8470

Email: Kathryn.Wyer@usdoj.gov